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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

This Document Relates to:

*M.L., on behalf of minor A.W. v. Meta
Platforms, Inc., et al., 4:23-cv-03801*

*F.R. filed on behalf of B.R. v. Meta
Platforms, Inc., et al., 4:23-cv-04102*

*J.H. filed on behalf of minor C.H. v. Meta
Platforms, Inc., et al., 4:23-cv-03842*

**PLAINTIFFS' FIFTH *EX PARTE*
APPLICATION FOR APPOINTMENT
OF GUARDIANS *AD LITEM***

1 *A.H., filed on behalf of Minor A.R. v. Meta*
2 *Platforms, Inc., et al.*, 4:23-cv-3798

3 *L.L. on behalf of A.L. v. Meta Platforms,*
4 *Inc., et al.*, 4:23-cv-04262

5 *K.C and on behalf of K.C. v. Meta Platforms,*
6 *Inc., et al.*, 4:23-cv-03179

7 *S.M., individually and on behalf of N.M. v.*
8 *Meta Platforms Inc., et al.*, 4:23-cv-03978

9 10 APPLICATION

11 Pursuant to this Court’s Order Regarding Appointment of Guardian *Ad Litem* (“Guardians
12 *Ad Litem* Order”) (ECF No. 122 at 3), Plaintiffs’ Liaison Counsel, Jennie Lee Anderson, hereby
13 submits Plaintiffs’ Fifth *Ex Parte* Application for Appointment of Guardians *Ad Litem* (“*Ex Parte*
14 Application”) for this Court’s consideration.

15 “Fit parents are presumed to act in the best interests of their children.” *J.B. by &*
16 *Through Billiet v. Tuolumne Cnty. Superintendent of Sch.*, No. 19-cv-0858-NONE-EPG, 2021
17 WL 3115195, at *2 (E.D. Cal. July 22, 2021) (citing *Troxel v. Granville*, 530 U.S. 57, 66 (2000);
18 *Doe v. Heck*, 327 F.3d 492, 521 (7th Cir. 2003)); *see also Brown v. Alexander*, No. 13-cv-01451-
19 RS, 2015 WL 7350183, at *1 (N.D. Cal. Nov. 20, 2015) (“In general, a parent who is also a party
20 to the lawsuit is presumed to be a suitable guardian ad litem, and so the court often appoints the
21 parent as guardian ad litem upon receipt of an ex parte application without exercising much
22 discretion.”) (citation omitted). Absent a conflict of interest, “[a] parent is generally appointed
23 guardian *ad litem*.” *A.G. v. South Bay Dreams Coop., Inc.*, No. 16-cv-02598-RNB, 2018 WL
24 2002370, at *3 (S.D. Cal. Apr. 30, 2018) (citing *Anthem Life Ins. Co. v. Olguin*, No. 06-cv-
25 01165-AWI NEW (TAG), 2007 WL 1390672, at *3 (E.D. Cal. May 9, 2007)); *accord J.M. v.*
26 *Liberty Union High Sch. Dist.*, No. 16-cv-05225-LB, 2016 WL 4942999, at *2 (N.D. Cal.
27 Sept.16, 2016). However, “[w]hen there is a potential conflict between a perceived parental
28 responsibility and an obligation to assist the court in achieving a just and speedy determination of

the action, a court has the right to select a guardian ad litem who is not a parent if that guardian would best protect the child's interests." *J.M.*, 2016 WL 4942999, at *1 (citations omitted) (internal quotation marks omitted).

Attached as Exhibits 1-7 to the Declaration of Jennie Lee Anderson in Support of Plaintiffs' Fifth *Ex Parte* Application for Appointment of Guardians *Ad Litem* ("Anderson Decl." or "Anderson Declaration") are the *Ex Parte* Applications for Appointment of Guardian *Ad Litem* ("Applications") submitted by the parents and/or legal guardians of individual minor Plaintiffs in the following cases:

- *M.L., on behalf of minor A.W. v. Meta Platforms, Inc., et al.*, 4:23-cv-03801 (Exhibit 1).
- *F.R. filed on behalf of B.R. v. Meta Platforms, Inc., et al.*, 4:23-cv-04102 (Exhibit 2)
- *J.H. filed on behalf of minor C.H. v. Meta Platforms, Inc., et al.*, 4:23-cv-03842 (Exhibit 3)
- *A.H., filed on behalf of Minor A.R. v. Meta Platforms, Inc., et al.*, 4:23-cv-3798 (Exhibit 4)
- *L.L. on behalf of A.L. v. Meta Platforms, Inc., et al.*, 4:23-cv-04262 (Exhibit 5)
- *K.C. and on behalf of K.C. v. Meta Platforms, Inc., et al.*, 4:23-cv-03179 (Exhibit 6)
- *S.M., individually and on behalf of N.M. v. Meta Platforms Inc., et al.*, 4:23-cv-03978 (Exhibit 7)

Exhibits 1-7 are Applications submitted to Plaintiffs' Liaison Counsel for filing since the last guardian *ad litem* submission. The Applications attached to the Anderson Declaration as Exhibits 1-7 are consistent with Attachment A to this Court's Guardian *Ad Litem* Order (ECF No. 122) and includes (1) the applicant's name and contact information (including address, email, and telephone number); (2) the name, case number, state of domicile (and its minimum age of capacity); (3) a sworn statement that the applicant is the parent and/or legal guardian of the minor plaintiff; and (4) a sworn statement affirming that the applicant is fully competent and qualified to understand and protect the rights of the minor plaintiff and has no interests adverse to the interests of that person. Anderson Decl. ¶ 10.

Pursuant to this Court's Guardians *Ad Litem* Order, the Applications by parents and/or legal guardians in the cases listed above are deemed presumptively approved upon filing, as there is no apparent conflict between the applicants' parental responsibility and their obligation to assist the Court in "achieving a just and speedy determination of the action." ECF No. 122 ¶ 4 (citing *J.M.*, 2016 WL 494299, at *1). This Court also ordered that, absent the filing of an objection, the presumptive approval shall become final fifteen days after the date this *Ex Parte* Application is filed. ECF No. 122 ¶ 5. Therefore, the objection period will close on October 4, 2023.

Accordingly, Plaintiffs submit herewith a [Proposed] Order Granting *Ex Parte* Applications and Appointing Guardian *Ad Litem* appointing the parent and/or legal guardian named in the Applications submitted in the case listed above.

Dated: September 19, 2023

Respectfully submitted,

/s/ Jennie Lee Anderson

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